

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI  
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS  
AND MICHAEL GODAT, PHYSICIAN ASSISTANT**

Come now Michael Godat. (hereinafter the "Licensee") and the State Board of Registration for the Healing Arts (hereinafter the "Board") and enter into this agreement for the purpose of resolving the question of whether Michael Godat's license as a physician assistant will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against the Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided to the Licensee by operation of law, the Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this agreement and agrees to abide by the terms of this document as they pertain to him.

2. The Licensee acknowledges that he may, at the time this agreement is effective or within fifteen days thereafter, submit this agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of the Licensee's license.
3. The Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.
4. The parties stipulate and agree that the disciplinary order agreed to by the Board and the Licensee in Part III herein is based only on the agreement set out in Parts I and II herein. The Licensee understands that the Board may take further disciplinary action against him based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.
5. The Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this agreement as an open record of the Board as required by Chapters 334, 610, 620 and 621, RSMo, as amended.

I. JOINT STIPULATION OF FACTS

Based upon the foregoing, the Board and the Licensee herein jointly stipulate to the following:

6. The State Board of Registration for the Healing Arts is an agency of the State of Missouri created and established pursuant to §334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
7. The Licensee is licensed by the Board as a physician assistant, License Number 2005037319. This license was first issued on November 16, 2005. On January

29, 2009, Licensee filed a form with the Board requesting Inactive License status pursuant to §334.002. Between November 16, 2005 and January 26, 2009, Licensee's license was active.

8. On June 17, 2008, Licensee wrote the following prescriptions to himself:
  - A. Cipro, 500 mg, twenty-eight (28) tablets, no refills.
  - B. Hydrochlorothiazide, 50 mg, thirty (30) tablets, 1 each day, refill 3 times.
  - C. Norvasc, 10 mg, thirty (30) tablets, three refills.
9. The June 17, 2008 prescriptions were purportedly co-signed by Dr. Trina Settles.
10. On July 31, 2008, Licensee wrote the following prescriptions to Claudia Godat:
  - A. Biaxin, 500 mg, twenty-eight (28) tablets, twice a day, one refill.
  - B. Tylenol #3, forty (40) tablets, take ½ to 1 tablet every 4 hours as needed for cough and pain, one refill.
  - C. Tessalon Perles, forty-five, one, three times a day as needed for cough, one refill.
11. The July 31, 2008 prescriptions were purportedly co-signed by Dr. Trina Settles.
12. On August 19, 2008, Licensee wrote a prescription for Epidrin to himself. The instructions for this prescription were for 40 capsules, to take 2 on the onset of a headache and 1 hourly for a maximum of 5 per day.
13. The August 19, 2008 prescription was purportedly co-signed by Dr. Trina Settles.
14. On August 26, 2008, Licensee wrote the following prescriptions to himself:
  - A. Hydrochlorothiazide, 50 mg, 60 tablets, take twice a day, 3 refills.
  - B. Dextroamphetamine, 10 mg, 180 tablets, take one or two tablets every eight hours, no refills.

C. Captopril, 100 mg, 90 tablets, take one, three times a day, three refills.

15. The August 26, 2008 refills were purportedly co-signed by Dr. Alan Biczak.

COUNT 1

16. Paragraphs 1 through 15 are herein incorporated by reference.
17. Dextroamphetamine (dexadrine) is a schedule II controlled substance pursuant to §195.017.4(3)(a).
18. Tylenol #3 is a combination of acetaminophen and codeine. Codeine is a schedule II controlled substance pursuant to §195.017.4(1)(a)g.
19. Prescribing schedule II controlled substances constitutes cause for discipline pursuant to §§334.735.4(1), 334.747.1 RSMo and 20CSR 2150-7.140(2)(F).

COUNT 2

20. Paragraphs 1 through 19 are incorporated herein by reference.
21. Prescribing more than a starter dose of seventy-two hours of medication constitutes cause for discipline pursuant to §334.735.4(6) RSMo and 20CSR 2150-7.140(2)(F).

COUNT 3

22. Paragraphs 1 through 21 are incorporated herein by reference.
23. Licensee never submitted a written notification of a change of physician supervision.
24. Dr. Trina Settles moved out of state on or about August 6, 2008.
25. As of at least August 6, 2008, Dr. Settles could not provide supervision to Licensee.

26. Failure to file a written change of physician supervision notice constitutes cause for discipline pursuant to 20 CSR 2150-7.122(1) and 20CSR 2150-7.140(2)(F).

COUNT 4

27. Paragraphs 1 through 26 are herein incorporated by reference.
28. Licensee did not prescribe the medications referenced in paragraphs 1 through 15 during the course of a professional practice which constitutes cause for discipline pursuant to 20CSR 2150-7.140(2)(D)8.

COUNT 5

29. Paragraphs 1 through 28 are incorporated herein by reference.
30. In December of 2009, the Drug Enforcement Agency (DEA) was conducting an investigation of Licensee's prescribing practices.
31. During the course of that investigation and while aware of the investigation, Licensee surrendered his Drug Enforcement Agency license number FG0899154.
32. Surrender of a DEA license while actually under investigation constitutes cause for discipline pursuant to 20CSR 2150-7.140(2)(H).

COUNT 6

33. Paragraphs 1 through 32 are incorporated herein by reference.
34. Licensee was using or consuming controlled substances, including Tylenol #3 and Dextroamphetamine (dexadrine).
35. Tylenol #3 and Dextroamphetamine (dexadrine) are controlled substances.
36. Neither the Tylenol #3 nor Dextroamphetamine (dexadrine) was prescribed by a physician.

37. A pattern of personal use of a controlled substance without a physician's prescription constitutes cause for discipline pursuant to 20CSR 2150-7.140(2) (T).

## II. JOINT CONCLUSIONS OF LAW

38. Cause exists to discipline Licensee's license pursuant to Sections 334.735.4(1), 334.735.4(6), 334.747.1, 20 CSR 2150-7.122(1), 20CSR 2150-7.140(2) (D) 8, 20CSR 2150-7.140(2) (F), 20CSR 2150-7.140(2) (H), and 20CSR 2150-7.140(2) (T).

334.735.4 Physician Assistants shall not prescribe nor dispense any drug, medicine, device or therapy independent of consultation with the supervising physician. . . .

Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant and shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747.

(6) A physician assistant may only dispense started doses of medication to cover a period of time for seventy-two hours or less.

. . . .

334.747.1 A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in schedule III, IV, or V of section 195.017, RSMo, when delegated the authority to prescribe controlled substances in a supervision agreement. . . Physician assistants shall not prescribe controlled substances for themselves or members of their families. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include such registration numbers on prescriptions for controlled substances.

....

20 CSR 2150-7.122(1) Licensed physician assistants who have a change of physician supervision, for any reason, must submit written notification and the required form to the board within fifteen (15) days of such occurrence.

....

20CSR 2150-7.140(2) The board may cause a complaint to be filed with the Administrative Hearing Commission as provided by Chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered a certificate of registration or authority, permit or license for any one (1) or combination of the following causes:

....

(D) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any professional licensed or regulated by this chapter, including, but not limited to the following:

....

8. Signing a blank prescription form; or dispensing, prescribing, administering, or otherwise distributing any drug, controlled substance or other treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

....

(F) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate any provision of this chapter, or any lawful rule or regulation

adopted pursuant to this chapter.

....

(H) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for licensure or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the physician assistant or applicant, including, but not limited to, the denial of licensure or registration, surrender of the license or registration, allowing physician assistant license or registration to expire or lapse, or discontinuing or limiting the practice of the physician assistant while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

....

(T) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by a physician who is authorized by law to do so.

39. The Licensee's conduct, as established by the foregoing facts, falls within the intendments of §334.735.6 RSMo and 20 CSR 2150-7.140.
40. Cause exists for the Board to take disciplinary action against the Licensee's license under §334.735.6 RSMo and 20 CSR 2150-7.140.

### III. JOINT AGREEMENT ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of §621.110 RSMo 2000. This agreement, including the disciplinary order, will be effective



immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

41. License number 2005037319, issued by the Board to the Licensee, is hereby VOLUNTARILY SURRENDERED in lieu of disciplinary action. The Licensee understands that this agreement is a public document and will be reported to the National Practitioner's Data Bank, the Health Integrity and Protection Data Bank, and the Federation of State Medical Boards as an action in lieu of discipline. Licensee cannot apply for reinstatement of his license for a period of 2 years and one day from the effective date of this agreement.
42. Within ten (10) days of the effective date of this agreement, the Licensee shall return all indicia of Missouri medical licensure to the board, including but not limited to, his wall-hanging license and pocket card.
43. If the Licensee is licensed in other jurisdictions, then he shall notify, in writing, the medical licensing authorities of those jurisdictions, within fifteen (15) days of the effective date of this settlement agreement, of the Licensee's disciplinary status in Missouri. The Licensee shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority.
44. For purposes of this agreement, unless otherwise specified in this agreement, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this agreement shall be forwarded to The State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

45. In the event The State Board of Registration for the Healing Arts determines that the Licensee has violated any term or condition of this agreement, the Board may elect to pursue any lawful remedies afforded it and is not bound by this agreement in its election of remedies concerning that violation. The Board may in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate pursuant to §620.153, RSMo.
46. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by the Licensee not specifically mentioned in this document.
47. No additional order shall be entered by this Board pursuant to the preceding paragraph of this agreement without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo.
48. The Licensee hereby waives and releases the Board, its members, and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it

survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

49. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

BOARD

Michael Godat 7-30-10  
Michael Godat Date

Tina Steinman 8/3/10  
Tina Steinman Date  
Executive Director

\_\_\_\_\_  
Attorney for Licensee Date  
Missouri Bar No. \_\_\_\_\_

Sarah Schappe 8/3/10  
Sarah Schappe Date  
General Counsel, MO Bar No. 52011

EFFECTIVE THIS 30<sup>th</sup> DAY OF July <sup>AS</sup> August, 2010.